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The Wildcat Vineyards LLC dba
Sarah's Vineyard

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ROBERTO CELESTINO, GERALDO
PACHECO, JOSE MONTEJANO AND
GERALDO M. CELESTINO, individually and
on behalf of others similarly situated,

Plaintiffs,

v.

THE WILDCAT VINEYARDS LLC DBA
SARAH'S VINEYARD, AND DOES 1 TO
10,

Defendants.

Case No. C 08 00994

CLASS ACTION

**ANSWER TO CLASS ACTION
COMPLAINT**

Defendant The Wildcat Vineyards LLC dba Sarah's Vineyard ("defendant") answers the
unverified class action complaint (the "Complaint") of plaintiffs Roberto Celestino, Geraldo
Pacheco, Jose Montejano and Geraldo M. Celestino ("plaintiffs") as follows:

1. In answering paragraph 1 of the Complaint, defendant admits that it is doing
business as Sarah's Vineyard, and that the four plaintiffs are former hourly employees. Except as
expressly admitted, defendant denies the remaining allegations in paragraph 1 and denies any
liability as asserted by plaintiffs.

2. In answering paragraph 2 of the Complaint, defendant lacks information sufficient
to form a belief as to those allegations, and on that basis denies the allegations.

1 3. In answering paragraph 3 of the Complaint, defendant lacks information sufficient
2 to form a belief as to plaintiffs' allegations, and on that basis denies them.

3 4. In answering paragraph 4 of the Complaint, defendant admits the allegations.

4 5. In answering paragraph 5 of the Complaint, defendant lacks information sufficient
5 to form a belief as to those allegations, and on that basis denies the allegations.

6 6. Paragraph 6 of the Complaint alleges only legal conclusions to which no factual
7 response by defendant is required.

8 7. In answering paragraph 7 of the Complaint, defendant lacks information sufficient
9 to form a belief as to those allegations, and on that basis denies the allegations.

10 8. In answering paragraph 8 of the Complaint, defendant admits that plaintiffs
11 purport to bring the action as a class action and denies that plaintiffs have either pled the
12 requisites for class action relief or that such requisites are in fact present in this case. Defendant
13 denies the remaining allegations in paragraph 8.

14 9. In answering paragraph 9 of the Complaint, defendant admits that plaintiffs
15 purport to bring the action as a class action and denies that plaintiffs have either pled the
16 requisites for class action relief or that such requisites are in fact present in this case. Defendant
17 denies the remaining allegations in paragraph 9.

18 10. In answering paragraph 10 of the Complaint, defendant denies the allegations.

19 11. In answering paragraph 11 of the Complaint, defendant denies the allegations.

20 12. In answering paragraph 12 of the Complaint, defendant denies the allegations.

21 13. In answering paragraph 13 of the Complaint, defendant denies the allegations.

22 14. In answering paragraph 14 of the Complaint, defendant denies the allegations.

23 15. In answering paragraph 15 of the Complaint, defendant admits the allegations.

24 16. In answering paragraph 16 of the Complaint, defendant admits that Jose
25 Montejano, Gerardo Celestino, and Geraldo Pacheco worked more than 8 hours a day and/or
26 more than forty hours a week on occasion and that Roberto Celestino did so frequently.
27 Defendant lacks information sufficient to form a belief as to the identity of the "other hourly paid
28 employees" referred to in paragraph 10, and on that basis denies the allegations that they worked

1 over 8 hours a day and forty hours a week from "time to time on regular basis." Except as
2 expressly admitted, defendant denies the remaining allegations in paragraph 16.

3 17. Defendant denies that plaintiffs were not subject to any exemptions from overtime
4 pursuant to the Fair Labor Standards Act and California Labor Code. Defendant lacks
5 information sufficient to form a belief as to the identity of the "other hourly paid employees"
6 referred to in paragraph 17, and on that basis denies the allegations that they were not subject to
7 any exemptions from overtime pursuant to the Fair Labor Standards Act and California Labor
8 Code.

9 18. In answering paragraph 18 of the Complaint, defendant denies the allegations.

10 19. Defendant re-alleges and incorporates its answers to paragraphs 1-18 of plaintiffs'
11 Complaint as if fully stated herein.

12 20. Paragraph 20 of the Complaint alleges legal conclusions to which no factual
13 response is required. To the extent a response is required and plaintiffs allege that applicable
14 wage orders require the payment of overtime compensation to agricultural workers who work in
15 excess of 8 hours per day or 40 hours per week, defendant denies the allegation. Defendant
16 denies the remaining allegations in paragraph 20 .

17 21. In answering paragraph 21 of the Complaint, defendant admits that Roberto
18 Celestino, Jose Montejano, Gerardo Celestino, and Geraldo Pacheco worked over 8 hours a day
19 or over forty hours a week from time to time and received straight time for such hours.
20 Defendant lacks information sufficient to form a belief as to who are the "other hourly paid
21 employees" plaintiffs refers to in paragraph 21, and on that basis denies the allegations
22 concerning them. Except as expressly admitted, defendant denies the remaining allegations in
23 paragraph 21.

24 22. In answering paragraph 22 of the Complaint, defendant admits that Roberto
25 Celestino, Jose Montejano, Gerardo Celestino, and Geraldo Pacheco worked over 8 hours a day
26 or over forty hours a week from time to time and received straight time for such hours.
27 Defendant lacks information sufficient to form a belief as to who are the "other hourly paid
28 employees" plaintiffs refers to in paragraph 22, and on that basis denies the allegations that they

1 worked over 8 hours a day and forty hours a week from time to time on regular basis. Except as
2 expressly admitted, defendant denies the remaining allegations in paragraph 22.

3 23. Paragraph 23 of the Complaint alleges legal conclusions for which no factual
4 response is required. By way of further response, defendant lacks sufficient information or belief
5 as to which employees are included and which overtime wages plaintiffs believe are due as to be
6 able to admit or deny the allegation, and on that basis denies it.

7 24. Paragraph 24 of the Complaint alleges legal conclusions for which no factual
8 response is required. By way of further response, defendant lacks sufficient information or belief
9 as to which employees are included and which overtime wages plaintiffs believe are due as to be
10 able to admit or deny the allegation, and on that basis denies it.

11 25. In answering paragraph 25 of the Complaint, defendant denies the allegations.

12 26. In answering paragraph 26 of the Complaint, defendant denies the allegations.

13 27. Defendant re-alleges and incorporates its answers to paragraphs 1-26 of plaintiffs'
14 Complaint as if fully stated herein.

15 28. Paragraph 28 of the Complaint alleges only legal conclusions to which no factual
16 response is required. to the extent a response is required, defendant admits FLSA is governing
17 law.

18 29. Paragraph 29 of the Complaint alleges only legal conclusions to which no factual
19 response is required.

20 30. In answering paragraph 30 of the Complaint, defendant denies the allegations.

21 31. Paragraph 31 of the Complaint alleges legal conclusions for which no factual
22 response is required. By way of further response, defendant lacks sufficient information or belief
23 as to which employees are included and which overtime wages plaintiffs believe are due as to be
24 able to admit or deny the allegation, and on that basis denies it.

25 32. Paragraph 32 of the Complaint alleges legal conclusions for which no factual
26 response is required. By way of further response, defendant lacks sufficient information or belief
27 as to which employees are included and which overtime wages plaintiffs believe are due as to be
28 able to admit or deny the allegation, and on that basis denies it.

1 33. In answering paragraph 33 of the Complaint, defendant denies the allegations.

2 34. In answering paragraph 34 of the Complaint, defendant denies the allegations.

3 35. Defendant re-alleges and incorporates its answers to paragraphs 1-34 of plaintiffs'
4 Complaint as if fully stated herein.

5 36. In answering paragraph 36 of the Complaint, defendant lacks sufficient
6 information or belief as to the identity of the "him" reference in that paragraph as to be able to
7 admit or deny the allegation, and on that basis denies it.

8 37. Paragraph 37 of the Complaint alleges legal conclusions to which no factual
9 response is required. To the extent a response is required, defendant admits that Labor Code
10 § 203 provides for such penalties under specified circumstances.

11 38. In answering paragraph 38 of the Complaint, defendant lacks sufficient
12 information as to the identity of the employees referenced, and on that basis denies the allegation.

13 39. Defendant re-alleges and incorporates its answers to paragraphs 1-38 of plaintiffs'
14 Complaint as if fully stated herein.

15 40. In answering paragraph 40 of the Complaint, paragraph 40 alleges legal
16 conclusions to which no factual response is required. By way of further response, defendant
17 admits that it is subject to applicable law, including wage orders. It denies that all such
18 applicable wage orders require the payment of overtime wages for hours worked in excess of
19 forty hours per week or eight hours per day.

20 41. In answering paragraph 41 of the Complaint, defendant admits that it was subject
21 to Business & Professions Code § 17200 et seq. Paragraph 41 alleges legal conclusions in which
22 no factual response is required.

23 42. Paragraph 42 of the Complaint alleges legal conclusions for which no factual
24 response is required. By way of further response, defendant lacks sufficient information or belief
25 as to which employees are included and which overtime wages plaintiffs believe are due as to be
26 able to admit or deny the allegation, and on that basis denies it.

27 43. In answering paragraph 43 of the Complaint, defendant denies the allegations.

28 44. Paragraph 44 of the Complaint alleges legal conclusions for which no factual

1 response is required. By way of further response, defendant lacks sufficient information or belief
2 as to which employees are included and which overtime wages plaintiffs believe are due as to be
3 able to admit or deny the allegation, and on that basis denies it.

4 45. In answering paragraph 45 of the Complaint, defendant denies the allegations.

5 46. Paragraph 46 of the Complaint alleges legal conclusions for which no factual
6 response is required. By way of further response, defendant lacks sufficient information or belief
7 as to which employees are included and which overtime wages plaintiffs believe are due as to be
8 able to admit or deny the allegation, and on that basis denies it.

9 **AFFIRMATIVE DEFENSES**

10 47. Defendant asserts the following affirmative defenses, each as separate and distinct
11 defenses to plaintiffs' alleged causes of action. Insofar as any of the following expresses denial
12 of an element of any claim alleged against defendant, such expression does not indicate that
13 plaintiffs are relieved of their burden to prove each and every element of any such claim.

14 **FIRST AFFIRMATIVE DEFENSE** 15 **(Failure to State a Cause of Action)**

16 48. As a separate and affirmative defense to the Complaint and each cause of action
17 alleged therein against defendant, defendant alleges that the Complaint and each cause of action
18 therein fail to state facts sufficient to constitute a cause of action against defendants.

19 **SECOND AFFIRMATIVE DEFENSE** 20 **(Statute of Limitations)**

21 49. As a separate and affirmative defense to the Complaint and each cause of action
22 alleged therein against defendant, defendant alleges that plaintiffs' claims are barred, in whole or
23 in part, by the statute of limitations applicable to plaintiffs' claims, including but not limited to
24 California Code of Civil Procedure sections 337, 338 and 339; California Bus. & Prof.C. §17208;
25 and 29 USC §§255, 255(a).

26 **THIRD AFFIRMATIVE DEFENSE** 27 **(Overtime Exemption)**

28 50. As a separate and affirmative defense to the Complaint and each cause of action
alleged therein against defendant, defendant alleges that at all times mentioned in the complaint,

1 the parties to this action were exempt from the overtime compensation requirements contained in
 2 the Labor Code and in the Wage orders of the Industrial Welfare Commission and the Fair Labor
 3 Standards Act in that and/or insofar as plaintiffs were employed as agricultural workers.

4 **FOURTH AFFIRMATIVE DEFENSE**
 5 **(Estoppel)**

6 51. As a separate and affirmative defense to the Complaint and each cause of action
 7 alleged therein against defendant, defendant alleges that plaintiffs' claims are barred, in whole or
 8 in part, by the doctrine of estoppel.

9 **FIFTH AFFIRMATIVE DEFENSE**
 10 **(Laches)**

11 52. As a separate and affirmative defense to the Complaint and each cause of action
 12 alleged therein against defendant, defendant alleges that plaintiffs' claims are barred, in whole or
 13 in part, by the doctrine of laches.

14 **SIXTH AFFIRMATIVE DEFENSE**
 15 **(Unclean Hands)**

16 53. As a separate and affirmative defense to the Complaint and each cause of action
 17 alleged therein against defendant, defendant alleges that plaintiffs' claims are barred, in whole or
 18 in part, by the doctrine of unclean hands.

19 **SEVENTH AFFIRMATIVE DEFENSE**
 20 **(Waiver)**

21 54. As a separate and affirmative defense to the Complaint and each cause of action
 22 alleged therein against defendant, defendant alleges that by their conduct, representations and/or
 23 omissions, plaintiffs have waived, relinquished and/or abandoned, in whole or in part, any
 24 alleged rights to the relief claimed in the Complaint, or to any relief at all.

25 **EIGHTH AFFIRMATIVE DEFENSE**
 26 **(Good Faith Action or Omission and Reasonable Belief of No Overtime Violation)**

27 55. As a separate and affirmative defense to the Complaint and each cause of action
 28 alleged therein against defendant, defendant alleges that plaintiffs are not entitled to liquidated
 damages because any alleged act or omission by defendant was in good faith and defendant had
 reasonable grounds for believing that its conduct did not violate any provision of the Fair Labor

Standards Act relating to overtime wages.

NINTH AFFIRMATIVE DEFENSE
(No Attorneys' Fees)

56. As a separate and affirmative defense to the Complaint and each cause of action alleged therein against defendant, defendant alleges that plaintiffs' Complaint and each cause of action therein fail to state facts sufficient to support an award of attorneys' fees.

WHEREFORE, defendant pray for relief as follows:

1. That plaintiffs take nothing by reason of their Complaint and that their Complaint be dismissed in its entirety with prejudice;
2. That defendant be awarded attorneys' fees and costs of suit; and
3. That defendant be awarded such other and further relief as the court may deem just and proper.

DATED: July 11, 2008

COBLENTZ, PATCH, DUFFY & BASS LLP

By: /s/ Katherine C. Zarate
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